

## **Exhibit 24**

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March 28, 2007

**VIA E-MAIL**

Jennifer A. Bagnato  
Curtis, Mallet-Prevost, Colt & Mosle LLP  
101 Park Avenue  
New York, NY 10178-0061

**Re: Replacement of Illegible TIF files of Excel documents**

Dear Jennifer:

I am writing as a follow-up to my letter dated March 19. As you are well-aware, in my original letter of January 26 to Joe Pizzurro as well as in follow-up emails, letters and telephone conversations, we alerted you to the problem of the illegible files of Excel documents we received from you, gave a technical description as to the apparent cause of the problem, and explicitly requested that you remedy the problem in specified ways as to all Excel-based documents in your production, past and future.

As set forth in the March 19 letter you ignored those requests and refused to replace any documents other than the short illustrative list we had given you, even though it was clear that the problem was continuing and that it would be substantially less burdensome for you than for us to identify the affected documents – not to mention to prevent recurrence of the problem after you had been alerted to it. Nonetheless, we have now compiled a reasonably complete list of the beginning Bates-numbers (i.e. first page of multi-page document) of the illegible Excel-derived documents in your production, which is attached hereto as Exhibit A. This list does not reflect review of the belated production of almost 25,000 pages you made on March 23. You will note that well over half of these documents are from the Bates-number ranges you produced to us subsequent to January 26, after we had notified you that you were producing these documents to us in illegible form.

Fried, Frank, Harris, Shriver & Jacobson LLP

Jennifer A. Bagnato

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Given that it has now been two months since we first notified you of the problem with the Excel documents, and in light of the need to receive the replacement documents in advance of depositions which must take place before the upcoming fact discovery deadline of May 2, we ask that you promptly provide us with a date certain for the provision of the replacement documents. To the extent you anticipate that the provision of replacement documents will take more than 5 days to complete, we request that you let us know immediately, so that we can prioritize particular items or otherwise consider our options. Again, we reserve the right to seek reimbursement from you for the costs we have incurred to compile the attached list.

Thank you for your prompt attention to this matter.

Sincerely,



John W. Brewer

cc: Gary Kaplan  
Bonnie Steingart  
Dale R. Dubé  
John V. Snellings  
Joseph D. Pizzurro  
Victoria Counihan

## **EXHIBIT A**

Excel Documents Received Prior to January 26, 2007

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Excel Documents Received After January 26, 2007

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NOR417679	NOR419874	NOR432666
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NOR417720	NOR419908	NOR434985
NOR417757	NOR419925	NOR436136
NOR417758	NOR420001	NOR437290
NOR417789	NOR420074	NOR437302
NOR417796	NOR420101	NOR437339
NOR417850	NOR420108	NOR437357
NOR417991	NOR420110	NOR437371
NOR418015	NOR420429	NOR437408
NOR418155	NOR420459	NOR437422
NOR418179	NOR420477	NOR437450
NOR418201	NOR420483	NOR437475
NOR418398	NOR420516	NOR437491
NOR418422	NOR421783	NOR437599
NOR418446	NOR421787	NOR437608
NOR418468	NOR421806	NOR437641
NOR418567	NOR422037	NOR437689
NOR418796	NOR422042	NOR437693
NOR418817	NOR422607	NOR437749
NOR418838	NOR422781	NOR437946
NOR418846	NOR422952	NOR437957
NOR418872	NOR422960	NOR437962
NOR418908	NOR423163	NOR438425
NOR418960	NOR423172	NOR438534
NOR419016	NOR423186	NOR438589
NOR419068	NOR423591	NOR438613
NOR419120	NOR424752	NOR438637
NOR419172	NOR424826	NOR438661
NOR419224	NOR424900	NOR438685
NOR419278	NOR424972	NOR438707
NOR419330	NOR424994	NOR440066
NOR419377	NOR425048	NOR440128
NOR419391	NOR425122	NOR440131
NOR419400	NOR425246	NOR440133
NOR419421	NOR425288	NOR440156

NOR440178	NOR441484	NOR458256
NOR440181	NOR442446	NOR458257
NOR440191	NOR442492	NOR458258
NOR440222	NOR452278	NOR458266
NOR440231	NOR452292	NOR458277
NOR440285	NOR453573	NOR458281
NOR440289	NOR453577	NOR458310
NOR440290	NOR454519	NOR458345
NOR440527	NOR454525	NOR458430
NOR440532	NOR454531	NOR458483
NOR440580	NOR457103	NOR458504
NOR440593	NOR457118	NOR458697
NOR440650	NOR457136	NOR458876
NOR440653	NOR457141	NOR458886
NOR440659	NOR457261	NOR458891
NOR440661	NOR457264	NOR459075
NOR440673	NOR457393	NOR459105
NOR440711	NOR457445	NOR459134
NOR440712	NOR457625	NOR459135
NOR440713	NOR457805	NOR459151
NOR440858	NOR458036	NOR461782
NOR440888	NOR458041	NOR461902
NOR440890	NOR458046	NOR462086
NOR440892	NOR458049	NOR462088
NOR440895	NOR458055	NOR462090
NOR440897	NOR458253	
NOR441372	NOR458255	

## **Exhibit 25**

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March 30, 2007

Jennifer A. Bagnato  
Curtis, Mallet-Prevost, Colt & Mosle LLP  
101 Park Avenue  
New York, NY 10178

RE: Illegible Excel Documents

Dear Jennifer:

Further to my prior letters and our telephone conversation of Wednesday afternoon, attached please find: (1) an initial list of priority items for reformatting the illegible documents in your production; and (2) a list (with the beginning Bates-number of each document only) of documents from your March 23 production that appear to have the same problem. Since I understand you are out of the office, I am copying Joe Pizzurro so that this may be passed on to your appropriate technical people as promptly as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "John W. Brewer". It is written in a cursive, flowing style with a long horizontal line extending to the right from the end of the signature.

John W. Brewer

JWB:ner  
Attachment

cc: Joseph Pizzurro

**First Priority List of Problematic Excel Documents**

NOR035391-035833	NOR052328-052392	NOR140491-140919
NOR131057-131259	NOR052393-052788	NOR141620-141645
NOR132723-132947	NOR053532-053554	NOR143533-143566
NOR142986-143241	NOR056164-056204	NOR145732-145826
NOR154720-155100	NOR056249-056453	NOR146613-146825
NOR184212-184408	NOR056456-045484	NOR148827-147027
NOR186177-186353	NOR057003-057198	NOR151792-151800
NOR187065-187128	NOR058103-058317	NOR153031-153437
NOR188639-188837	NOR126231-126252	NOR155120-155589
NOR191605-191715	NOR126288-126305	NOR156643-156900
NOR024632-024802	NOR127388-127412	NOR160026-160052
NOR024943-024949	NOR127413-127436	NOR184456-184555
NOR025150-025169	NOR128390-128859	NOR174530-174546
NOR026464-026675	NOR129345-129352	NOR183313-183343
NOR033283-033295	NOR129424-129896	NOR183868-183998
NOR033296-033322	NOR131941-132082	NOR187724-187733
NOR036280-036485	NOR132258-132484	NOR188861-189059
NOR037265-037742	NOR133432-133789	NOR191493-191518
NOR046401-046446	NOR133791-133989	NOR191580-191579
NOR050557-050603	NOR138306-138370	NOR193112-193148
NOR052016-052327	NOR140157-140426	NOR198065-196153

**List of Problematic Excel Documents Received with March 23, 2007 Production**

NOR464269	NOR473376	NOR479652
NOR464321	NOR473985	NOR480121
NOR464390	NOR474131	NOR480587
NOR464666	NOR474619	NOR481075
NOR464762	NOR474751	NOR481083
NOR464860	NOR475241	NOR481779
NOR464900	NOR475732	NOR482747
NOR464906	NOR476222	NOR482797
NOR465537	NOR476714	NOR483601
NOR466214	NOR477171	NOR484426
NOR466231	NOR477628	NOR484490
NOR466250	NOR478085	NOR484506
NOR470534	NOR478546	NOR484811
NOR473203	NOR478649	
NOR473359	NOR479186	

## **Exhibit 26**

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April 11, 2007

VIA EMAIL

Jennifer A. Bagnato  
Curtis, Mallet-Prevost, Colt & Mosle LLP  
101 Park Avenue  
New York, NY 10178

Dear Jennifer:

I am responding to your April 3 letter on the illegible Excel documents issue. I am not going to repeat the history of the issue, which is exhaustively documented in prior correspondence, or respond to your characterizations of it, but instead focus on where we are now. We have spent some additional time thinking about whether a compromise is possible, but it appears we are at an impasse. It remains our position that we are entitled to legible copies of all documents you produced. That is an eminently reasonable position; production of illegible documents is not meaningfully more helpful than no production at all. As was mentioned in the first letter back in January as well as my interim email last Thursday, we have never received a response as to why the documents cannot be given to us in their "native version," which we suspect would save you the effort and expense of reformatting them from tif to the alternative format you have devised. Production in native version would seem analogous to the solution in the hard-copy world for illegible copies, i.e. allow direct inspection of the originals as an alternative. If that is impracticable for reasons you have not thus far explained to us, we are willing to accept the alternative format you have used thus far. The expense and burden on you is the result of your choice to proceed in a fashion (using the problematic tif format) that you knew (apparently even before we raised the issue, based on what you said) was virtually guaranteed to render them illegible. Moreover, the burden on you of complying now is the result of your failure to deal with the issue at any time between late January and the March 16 deadline for the completion of document production. We would have long since obtained legible copies had you not been dilatory.

Given the volume of illegible documents and, of course, their illegibility, it is not feasible or realistic for us to commit at this point to accepting only a specific number of them to be reformatted. To the extent you are able to determine that there are duplicates in the list we

Fried, Frank, Harris, Shriver & Jacobson LLP

Jennifer Bagnato

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April 11, 2007

provided (which we compiled only after you refused to respond to our previous requests, despite the fact that it would have been easier for you to compile such a list), we would be willing to accept only one reformatted copy, so long as you explain which Bates-numbers from our list are omitted on this basis and which reformatted document corresponds to them.

Since so much time has passed, we have no alternative at this point but to demand full compliance immediately.

Very truly yours,



John W. Brewer

JWB:ner  
548553